CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 6521

Chapter 241, Laws of 1996

54th Legislature
1996 Regular Session

ELECTRICAL ADMINISTRATION PROCEDURES--REVISIONS

EFFECTIVE DATE: 6/6/96

Passed by the Senate March 4, 1996
YEAS 42   NAYS 0

JOEL PRITCHARD
President of the Senate

Passed by the House February 29, 1996
YEAS 96   NAYS 0

CLYDE BALLARD
Speaker of the House of Representatives

CERTIFICATE
I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE SENATE BILL 6521 as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN
Secretary

Approved March 28, 1996

FILED
March 28, 1996 - 5:16 p.m.

MIKE LOWRY
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to electrical administration procedures; amending
RCW 19.28.125, 19.28.210, 19.28.310, 19.28.510, and 19.28.550; and
adding new sections to chapter 19.28 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 19.28 RCW
to read as follows:

The department may deny renewal of a certificate or license issued
under this chapter, if the applicant for renewal owes outstanding
penalties for a final judgment under this chapter. The department
shall notify the applicant of the denial by registered mail, return
receipt requested, to the address on the application. The applicant
may appeal the denial within twenty days by filing a notice of appeal
with the department accompanied by a certified check for two hundred
dollars which shall be returned to the applicant if the decision of the
department is not upheld by the board. The office of administrative
hearings shall conduct the hearing under chapter 34.05 RCW. The
electrical board shall review the proposed decision at the next
regularly scheduled board meeting. If the board sustains the decision
of the department, the two hundred dollars must be applied to the cost of the hearing.

NEW SECTION. Sec. 2. A new section is added to chapter 19.28 RCW to read as follows:

The department may audit the records of an electrical contractor that has verified the hours of experience submitted by an electrical trainee to the department under RCW 19.28.510(2) in the following circumstances: Excessive hours were reported; hours reported outside the normal course of the contractor’s business; the type of hours reported do not reasonably match the type of permits purchased; or for other similar circumstances in which the department demonstrates a likelihood of excessive hours being reported. The department shall limit the audit to records necessary to verify hours. The department shall adopt rules implementing audit procedures. Information obtained from an electrical contractor under the provisions of this section is confidential and is not open to public inspection under chapter 42.17 RCW.

Sec. 3. RCW 19.28.125 and 1988 c 81 s 6 are each amended to read as follows:

(1) Each applicant for an electrical contractor’s license, other than an individual, shall designate a supervisory employee or member of the firm to take the required administrator’s examination. Effective July 1, 1987, a supervisory employee designated as the administrator shall be a full-time supervisory employee. This person shall be designated as administrator under the license. No person may qualify as administrator for more than one contractor. If the relationship of the administrator with the electrical contractor is terminated, the contractor’s license is void within ninety days unless another administrator is qualified by the board. However, if the administrator dies, the contractor’s license is void within one hundred eighty days unless another administrator is qualified by the board. A certificate issued under this section is valid for two years from the nearest birthdate of the administrator, unless revoked or suspended, and further is nontransferable. The department may deny an application for an administrator’s certificate for up to two years if the applicant’s previous administrator’s certificate has been revoked for a serious violation and all appeals concerning the revocation have been
exhausted. For the purposes of this section only, a serious violation is a violation that presents imminent danger to the public. The certificate may be renewed for a two-year period without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. An individual holding more than one administrator’s certificate under this chapter shall not be required to pay annual fees for more than one certificate. A person may take the administrator’s test as many times as necessary without limit.

(2) The administrator shall:
   (a) Be a member of the firm or a supervisory employee and shall be available during working hours to carry out the duties of an administrator under this section;
   (b) Ensure that all electrical work complies with the electrical installation laws and rules of the state;
   (c) Ensure that the proper electrical safety procedures are used;
   (d) Ensure that all electrical labels, permits, and licenses required to perform electrical work are used;
   (e) See that corrective notices issued by an inspecting authority are complied with; and
   (f) Notify the department in writing within ten days if the administrator terminates the relationship with the electrical contractor.

(3) The department shall not by rule change the administrator’s duties under subsection (2) of this section.

Sec. 4. RCW 19.28.210 and 1992 c 240 s 2 are each amended to read as follows:
   (1) The director shall cause an inspector to inspect all wiring, appliances, devices, and equipment to which this chapter applies. Nothing contained in this chapter may be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter except those pertaining to cities and towns pursuant to RCW 19.28.010((2)) (3).
   (2) Upon request, electrical inspections will be made by the department within forty-eight hours, excluding holidays, Saturdays, and Sundays. If, upon written request, the electrical inspector fails to
make an electrical inspection within twenty-four hours, the serving utility may immediately connect electrical power to the installation if the necessary electrical work permit is displayed: PROVIDED, That if the request is for an electrical inspection that relates to a mobile home installation, the applicant shall provide proof of a current building permit issued by the local government agency authorized to issue such permits as a prerequisite for inspection approval or connection of electrical power to the mobile home.

(3) Whenever the installation of any wiring, device, appliance, or equipment is not in accordance with this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, partnership, corporation, or other entity owning, using, or operating it shall be notified by the department and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger to life or property and to make it conform to this chapter. The director, through the inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to conductors or equipment that are found to be in a dangerous or unsafe condition and not in accordance with this chapter. Upon making a disconnection the inspector shall attach a notice stating that the conductors have been found dangerous to life or property and are not in accordance with this chapter. It is unlawful for any person to reconnect such defective conductors or equipment without the approval of the department, and until the conductors and equipment have been placed in a safe and secure condition, and in a condition that complies with this chapter.

(4) The director, through the electrical inspector, has the right during reasonable hours to enter into and upon any building or premises in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment, or material contained in or on the buildings or premises. No electrical wiring or equipment subject to this chapter may be concealed until it has been approved by the inspector making the inspection. At the time of the inspection, electrical wiring or equipment subject to this chapter must be sufficiently accessible to permit the inspector to employ any testing methods that will verify conformance with the national electrical code and any other requirements of this chapter.
(5) Persons, firms, partnerships, corporations, or other entities making electrical installations shall obtain inspection and approval from an authorized representative of the department as required by this chapter before requesting the electric utility to connect to the installations. Electric utilities may connect to the installations if approval is clearly indicated by certification of the electrical work permit required to be affixed to each installation or by equivalent means, except that increased or relocated services may be reconnected immediately at the discretion of the utility before approval if an electrical work permit is displayed. The permits shall be furnished upon payment of the fee to the department.

(6) The director, subject to the recommendations and approval of the board, shall set by rule a schedule of license and electrical work permit fees that will cover the costs of administration and enforcement of this chapter. The rules shall be adopted in accordance with the administrative procedure act, chapter 34.05 RCW. No fee may be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

(7) Nothing in this chapter shall authorize the inspection of any wiring, appliance, device, or equipment, or installations thereof, by any utility or by any person, firm, partnership, corporation, or other entity employed by a utility in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under the control of the utility. All work covered by the national electric code not exempted by the 1981 edition of the national electric code 90-2(B)(5) shall be inspected by the department.

**Sec. 5.** RCW 19.28.310 and 1988 c 81 s 10 are each amended to read as follows:

The department has the power, in case of serious noncompliance with the provisions of this chapter, to revoke or suspend for such a period as it determines, any electrical contractor license or electrical contractor administrator certificate issued under this chapter. The department shall notify the holder of the license or certificate of the revocation or suspension by certified mail. A revocation or suspension is effective twenty days after the holder receives the notice. Any revocation or suspension is subject to review by an appeal to the board. The filing of an appeal stays the effect of a revocation or suspension until the board makes its decision.
decision. The appeal shall be filed within twenty days after notice of the revocation or suspension is given by certified mail sent to the address of the holder of the license or certificate as shown on the application for the license or certificate, and shall be effected by filing a written notice of appeal with the department, accompanied by a certified check for two hundred dollars, which shall be returned to the holder of the license or certificate if the decision of the department is not sustained by the board. The hearing shall be conducted in accordance with chapter 34.05 RCW. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund.

Sec. 6. RCW 19.28.510 and 1983 c 206 s 13 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a current journeyman electrician certificate of competency or a current specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, and nonresidential maintenance.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade may work in the electrical construction trade if supervised by a certified journeyman electrician or a certified specialty electrician in that electrician’s specialty. All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a journeyman electrician or a specialty electrician working in his or her specialty. The holder of the electrical training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder’s employers in the electrical construction industry for the previous year and the number of hours worked for each employer. An annual fee shall
be charged for the issuance or renewal of the certificate. The
department shall set the fee by rule. The fee shall cover but not
exceed the cost of administering and enforcing the trainee
certification and supervision requirements of this chapter.
Apprentices and individuals learning the electrical construction trade
shall have their electrical training certificates in their possession
at all times that they are performing electrical work. They shall show
their certificates to an authorized representative of the department at
the representative’s request.

(3) Any person who has been issued an electrical training
certificate under this chapter may work if that person is under
supervision. Supervision shall consist of a person being on the same
job site and under the control of either a journeyman electrician or an
appropriate specialty electrician who has an applicable certificate of
competency issued under this chapter. Either a journeyman electrician
or an appropriate specialty electrician shall be on the same job site
as the noncertified individual for a minimum of seventy-five percent of
each working day unless otherwise provided in this chapter. The ratio
of noncertified individuals to certified journeymen or specialty
electricians working on a job site shall be:

(a) From September 1, 1979, through December 31, 1982, not more
than three noncertified electricians working on any one job site for
every certified journeyman or specialty electrician;

(b) Effective January 1, 1983, not more than two noncertified
individuals working on any one job site for every specialty electrician
or journeyman electrician working as a specialty electrician;

(c) Effective January 1, 1983, not more than one noncertified
individual working on any one job site for every certified journeyman
electrician.

The ratio requirements do not apply to a trade school program in
the electrical construction trade established during 1946.

An individual who has a current training certificate and who has
successfully completed or is currently enrolled in an approved
apprenticeship program or in a technical school program in the
electrical construction trade in a school approved by the commission
for vocational education, may work without direct on-site supervision
during the last six months of meeting the practical experience
requirements of this chapter.
(4) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor.

Sec. 7. RCW 19.28.550 and 1993 c 192 s 1 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination provided in RCW 19.28.540, and who have complied with RCW 19.28.510 through 19.28.620 and the rules adopted under this chapter. The certificate shall bear the date of issuance, and shall expire on ((October 31st or April 30th, not less than six months nor more than three years immediately following the date of issuance)) the holder’s birthday. The certificate shall be renewed every three years, upon application, on or before the holder’s birthdate. A fee shall be assessed for each certificate and for each annual renewal.

(2) If the certificate holder demonstrates to the department that he or she has satisfactorily completed an annual eight-hour continuing education course, the certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date.

(a) The contents and requirements for satisfactory completion of the continuing education course shall be determined by the director and approved by the board.

(b) The department shall accept proof of a certificate holder’s satisfactory completion of a continuing education course offered in another state as meeting the requirements for maintaining a current Washington state certificate of competency if the department is satisfied the course is comparable in nature to that required in Washington state for maintaining a current certificate of competency.

(3) If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. The department shall set the fees by rule for issuance and renewal of a certificate of competency. The fees shall cover but not exceed the costs of issuing the certificates and of administering and enforcing the electrician certification requirements of this chapter.

(4) The certificates of competency and temporary permits provided for in this chapter grant the holder the right to work in the electrical construction trade as a journeyman electrician or specialty
electrician in accordance with their provisions throughout the state and within any of its political subdivisions without additional proof of competency or any other license, permit, or fee to engage in such work.

Passed the Senate March 4, 1996.
Passed the House February 29, 1996.
Approved by the Governor March 28, 1996.
Filed in Office of Secretary of State March 28, 1996.